

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:18-CV-276-D

FAHAD KHAN,

Plaintiff,

v.

WAKEMED,

Defendant.

**ORDER**

On June 13, 2018, Fahad Khan (“Khan” or “plaintiff”), appearing pro se, applied to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On June 15, 2018, the court referred the motion to Magistrate Judge Gates for frivolity review [D.E. 4]. On February 13, 2019, Magistrate Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 5] and recommended that Khan’s application to proceed in forma pauperis be granted and that the complaint be dismissed for lack of subject matter jurisdiction. Khan did not object to the M&R.


“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear

error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 5].

In sum, Khan's application to proceed in forma pauperis [D.E. 1] is GRANTED, and Khan's complaint is DISMISSED for lack of subject matter jurisdiction. The clerk shall close the case.

SO ORDERED. This 5 day of March 2019.

  
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JAMES C. DEVER III  
United States District Judge